

1  
2  
3  
4  
5  
6  
7 The Honorable Barbara J. Rothstein

8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **AT SEATTLE**

11 D.S., *et al.*,

12 v.  
13 Plaintiffs,

14 WASHINGTON STATE  
15 DEPARTMENT OF CHILDREN,  
16 YOUTH, AND FAMILIES, *et al.*,

Defendants.

17 NO. 2:21-cv-00113-BJR

18 **JOINT STIPULATION FOR**  
19 **APPROVAL OF MODIFICATION**  
20 **TO SETTLEMENT AGREEMENT**

21 **JOINT STIPULATION FOR APPROVAL OF MODIFICATION TO SETTLEMENT**  
22 **AGREEMENT**

23 The Parties, by and through their respective attorneys of record, hereby stipulate to the  
24 following:

25 On September 21, 2022, this Court issued an Order granting final approval of the Parties'  
26 class action settlement agreement. Order Granting Joint Motion for Final Approval of Class  
Action Settlement Agreement, Dkt. #123. The Parties' Agreement and Settlement Order  
(Dkt. #94-1, as modified by Dkt. #139) set forth requirements and deadlines for the drafting and  
finalization of an Implementation Plan. The Parties now stipulate that portions of the required

1 contents of this Implementation Plan related to exit criteria and certain other data collection and  
 2 methodology issues shall be addressed through an Addendum to the Implementation Plan, in  
 3 order to ensure adequate time to develop effective, accurate, and achievable goals and  
 4 methodologies.

5 The Parties' Agreement and Settlement Order (Dkt. #94-1, as modified by Dkt. #139)  
 6 shall be amended to include the following after Paragraph 24:

7 24.1 Defendants shall submit an Addendum to the Implementation Plan that includes:

8 (1) final exit criteria for each System Improvement, (2) quality assurance  
 9 benchmarks for each System Improvement, (3) a way of tracking whether Class  
 10 Members are being served in the least restrictive and most integrated setting,  
 11 (4) the methodology for measuring and tracking Defendants' progress toward  
 12 achieving each System Improvement and any intermediary steps, (5) the  
 13 methodology for measuring and tracking progress toward achieving each of the  
 14 exit criteria set forth in Paragraphs 37-45, and (6) the approach for determining  
 15 capacity needs for each System Improvement.

16 24.2 The Addendum will be developed in consultation with Plaintiffs and with the  
 17 assistance of the Monitor over a period of six months, from August 2, 2023  
 18 through February 2, 2024. Once finalized on February 2, 2024, it will be added  
 19 to the final version of the Implementation Plan and posted on Defendants'  
 20 website.

21 Defendants shall provide an opportunity for public feedback prior to finalization of the  
 22 Addendum.

23 24.3 The Parties agree that Defendants will include agreed upon language regarding  
 24 the Addendum in the revised version of the Implementation Plan submitted on  
 25 August 2, 2023.

- 24.4 The Parties will attempt to resolve any disagreements about the Addendum to the Implementation Plan in good faith. If they cannot do so on their own, they shall seek assistance from the Monitor. If the Parties continue to have disagreements about the Addendum to the Implementation Plan, disputes shall proceed through the dispute resolution process in Section VI of the Settlement Agreement on an expedited basis, with deadlines set by the Monitor.
- 24.5 To the extent that the language in Paragraphs 24.1 through 24.5 above conflicts with Paragraphs 22 through 24 of the Settlement Agreement, the language in Paragraphs 24.1 through 24.5 supersedes Paragraphs 22 through 24.

I certify that this memorandum contains 458 words, in compliance with Local Civil Rule 7(e)(6).

RESPECTFULLY SUBMITTED this 3rd day of August, 2023.

Presented by:

ROBERT W. FERGUSON  
Attorney General



---

JAMES M. RICHARDSON III, WSBA No. 45095  
MARKO L. PAVELA, WSBA No. 49160  
EMMA JOHNSON, WSBA No. 59911  
*Assistant Attorneys General*

Office of the Attorney General  
7141 Cleanwater Drive SW  
PO Box 40141  
Olympia, WA 98504-0141  
Tel. (360) 586-6565  
Fax (360) 586-6659

Email: [James.RichardsonIII@atg.wa.gov](mailto:James.RichardsonIII@atg.wa.gov)  
[Marko.Pavela@atg.wa.gov](mailto:Marko.Pavela@atg.wa.gov)  
[Emma.Johnson@atg.wa.gov](mailto:Emma.Johnson@atg.wa.gov)

## ATTORNEYS FOR DEFENDANTS

JOINT STIPULATION FOR APPROVAL  
OF MODIFICATION TO SETTLEMENT  
AGREEMENT--NO. 2:21-cv-00113

## DISABILITY RIGHTS WASHINGTON

/s/ Carina Tong  
Carina Tong, WSBA #53304  
315 5th Ave South, Suite 850  
Seattle, WA 98104  
Tel. (206) 765-7203  
Fax (206) 957-0729  
Email: [carinat@dr-wa.org](mailto:carinat@dr-wa.org)

# CARNEY GILLESPIE PLLP

/s/ Christopher Carney  
Christopher Carney, WSBA #30325  
600 1st Ave, Suite 108  
Seattle, WA 98104  
Tel. (206) 445-0212  
Fax (206) 238-9987  
Email: [christopher.carney@carneygillespie.com](mailto:christopher.carney@carneygillespie.com)

## NATIONAL CENTER FOR YOUTH LAW

/s/ Poonam Juneja  
Poonam Juneja, *admitted pro hac vice*  
Freya Pitts, *admitted pro hac vice*  
Jean Strout, *admitted pro hac vice*  
1212 Broadway, Suite 600  
Oakland, CA 94612  
Tel. (510) 835-8098  
Fax (510) 835-8099  
Email: [pjuneja@youthlaw.org](mailto:pjuneja@youthlaw.org)  
[fpitts@youthlaw.org](mailto:fpitts@youthlaw.org)  
[jstrout@youthlaw.org](mailto:jstrout@youthlaw.org)

## CHILDREN'S RIGHTS

/s/ Leecia Welch  
Leecia Welch, WSBA #26590  
2021 Fillmore Street  
San Francisco, CA 94115  
Tel. (415) 602-5202  
Email: [lwelch@childrensrights.org](mailto:lwelch@childrensrights.org)

# MUNGER, TOLLES & OLSON LLP

/s/ Jordan Segall

Jordan Segall, *admitted pro hac vice*  
350 South Grand Avenue, 50th Floor  
Los Angeles, CA 90071  
Tel. (213) 683-9208  
Email: [jordan.segall@mto.com](mailto:jordan.segall@mto.com)

## ATTORNEYS FOR PLAINTIFFS

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2023, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

|                       |  |
|-----------------------|--|
| CARINA TONG           | <a href="mailto:carinat@dr-wa.org">carinat@dr-wa.org</a>                         |
| CHRISTOPHER CARNEY    | <a href="mailto:christopher.carney@cgilaw.com">christopher.carney@cgilaw.com</a> |
| POONAM JUNEJA         | <a href="mailto:pjuneja@youthlaw.org">pjuneja@youthlaw.org</a>                   |
| FREYA PITTS           | <a href="mailto:fpitts@youthlaw.org">fpitts@youthlaw.org</a>                     |
| JEAN STROUT           | <a href="mailto:jstrout@youthlaw.org">jstrout@youthlaw.org</a>                   |
| LEECIA WELCH          | <a href="mailto:lwelch@childrensrights.org">lwelch@childrensrights.org</a>       |
| JORDAN DENTLER SEGALL | <a href="mailto:jordan.segall@mto.com">jordan.segall@mto.com</a>                 |

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 3rd day of August 2023.

ROBERT W. FERGUSON  
Attorney General

By:

JAMES M. RICHARDSON III, WSBA No. 45095  
*Assistant Attorney General*

Office of the Attorney General  
7141 Cleanwater Drive SW  
PO Box 40141  
Olympia, WA 98504-0141  
Tel. (360) 586-6565  
Fax (360) 586-6659  
Email: [James.RichardsonIII@atg.wa.gov](mailto:James.RichardsonIII@atg.wa.gov)  
Attorneys for Defendants